

(EXHIBIT H)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TIMOTHY CHARLES HOLMSETH)

Plaintiff,)

v.)

Case No. 3:18cv361

KIM LOWRY PICAZIO)
WILLIAM K. MURTAUGH)
KAREN DENISE GAUR)

**PLAINTIFF DEMANDS
TRIAL BY JURY**

-and-)

JOHN DOES 1-5)

Defendants.)
_____)

COMPLAINT

Plaintiff, Timothy Charles Holmseth, by counsel, files the following Complaint against Defendants, Kim Lowry Picazio (“Picazio”), William K. Murtaugh (“Murtaugh”), Karen Denise Gaur (“Gaur”), and John Does 1-5, jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in an amount not less than **\$2,350,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from January 1, 2018 to the date of Judgment at the rate of six percent (6%) per year pursuant to § 8.01-382 of the Virginia Code (1950), as amended (the “Code”), (c) attorney’s fees pursuant to § 18.2-152.12 of the Code, and (d) costs incurred – arising out of Defendants’ common-law conspiracy, defamation *per se*, intentional infliction of emotional distress, and personal trespass by computer and computer harassment.

I. INTRODUCTION

America's darkest secret is pedophilia and child trafficking.

Journalists, like Timothy Holmseth – who seek to expose the perpetrators, uncover the truth, work with the FBI and facilitate criminal prosecutions – are subject to death threats, threats to kidnap and rape family members, mutilation, tortious interference with business and employment, blackmail, extortion, vandalism, intimidation, and malicious and unrelenting *ad hominem* personal attacks. Often, as in this case, the perpetrators employ a technique called “gaslighting” – they, *inter alia*, defame the investigator by accusing him of heinous acts and crimes they themselves have committed. [See <https://www.psychologytoday.com/us/blog/here-there-and-everywhere/201701/11-warning-signs-gaslighting>].

This case involves multiple acts of gang-stalking that occurred in Virginia and elsewhere between July 2017 and the present. Acting in concert and conspiracy in violation of Title 18 U.S.C. § 241, the Defendants used social media and websites they controlled and operated to injure, oppress, threaten and intimidate Timothy Holmseth in the free exercise of or the enjoyment of rights and privileges secured to him by the Constitution and laws of the United States and because Timothy Holmseth exercised his First Amendment rights as a journalist to report on matters of public concern – pedophilia, child trafficking, and child pornography. The Defendants and/or operatives acting at their direction, created fake Twitter accounts, including “@OpExposeTH”, hid behind anonymous effigies, and published hundreds perhaps thousands of false and defamatory statements about Tim Holmseth, including the following:



OpExposeTH
@OpExposeTH



Pedophile Timothy Holmseth @THolmseth has spent almost a decade trying to get his hands on photos of Haleigh Cummings vagina. #PedoGateNews #pedogate #Qanon8chan #QAnon

7:47 AM · Jan 31, 2018



OpExposeTH
@OpExposeTH



Pedophile @THolmseth Timothy Holmseth directed his daughter to molest his son. He had his daughter put women's lingerie on his young son and photograph him in "suggestive" poses. #qanon #Qanon8chan #PedoGateNews #PedoGate

7:53 AM · Jan 31, 2018



OpExposeTH
@OpExposeTH

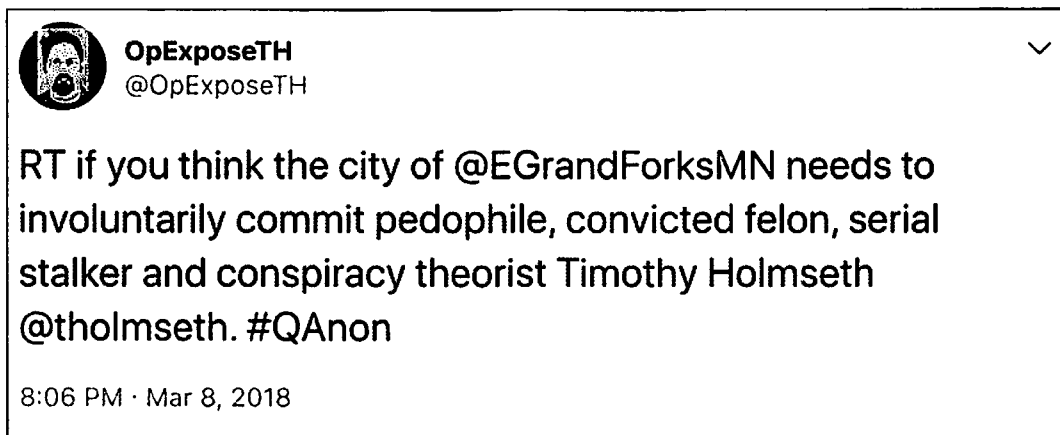
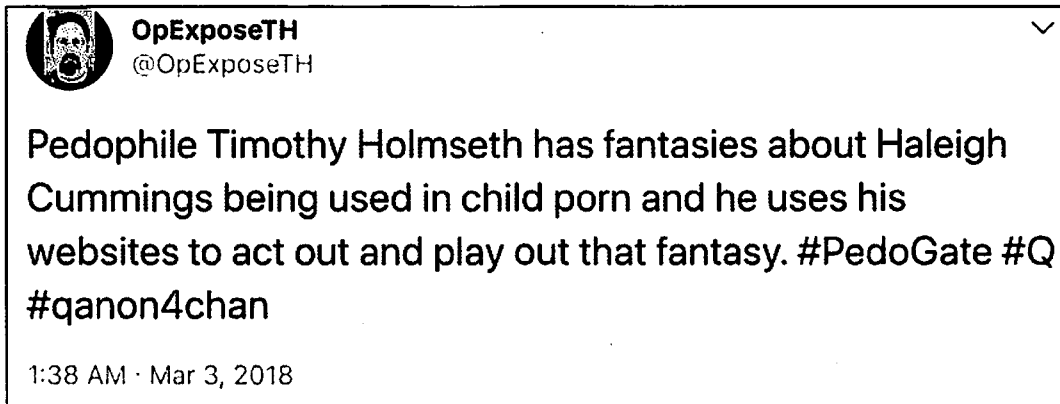


Pedophile, convicted felon and serial stalker Timothy Holmseth, that is obsessed with the vagina of missing little girl Haleigh Cummings has been arrested! Mugshot will be coming soon! #TangoDown #qanon #PedoGateNews

Timothy C. Holmseth @THolmseth

#Q #QANON - POLICE AT HOME!!! - SPREAD ALL MY VIDEOS - TWEET TO PRESIDENT... youtu.be/S4MpF316xjw via @YouTube

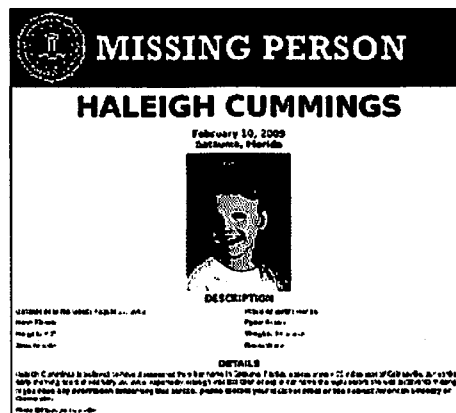
8:37 AM · Feb 19, 2018



In this case, Timothy Holmseth seeks money damages for the extreme insult, pain, embarrassment, humiliation, mental suffering, and destruction of his good name and reputation. Defendants' indiscriminate and persistent use of social media and the Internet to defame must be stopped. Picazio holds a law license. She has committed criminal or deliberately wrongful acts that reflect adversely on her honesty, trustworthiness or fitness to practice law. She has engaged in conduct involving dishonesty, fraud, deceit and misrepresentation. She and her confederates cannot be allowed to use social media as a weapon to injure human beings. The Defendants should be punished for their unlawful actions and a very strong message needs to be sent to prevent others from acting in a similar way.

II. PARTIES

1. Plaintiff, Timothy C. Holmseth ("Holmseth"), is an award-winning journalist, investigative reporter and author. He was born June 17, 1968. He has two children, Marina and Hoff. He is a citizen of Minnesota. He is a private individual. Over his long career in journalism, Holmseth has been employed by several newspapers; he published in various magazines as both a staff and freelance writer; and he served as the news director of a radio station. In 2007, Holmseth received two 1st Place awards from the North Dakota Newspaper Association. One of the awards was for Best News Series regarding an on-going story involving public corruption and misconduct. His reporting spanned nearly a year. In addition to his media career, Holmseth is a songwriter. He has worked for various music companies and for an internationally acclaimed social service agency in a refugee re-location program. He assisted refugees that were oppressed and persecuted and/or victims of violence and torture. In 2009, Holmseth investigated the disappearance of five-year-old, HaLeigh Cummings ("HaLeigh"), from her father's trailer home in Satsuma (Putnam County), Florida. The FBI immediately issued a Missing Person alert:



The little girl's mysterious disappearance made national headlines:

<https://www.youtube.com/watch?v=Y1PlszjkZ5Q;>

<https://www.youtube.com/watch?v=P4oMFrM9tNA;>

<https://www.youtube.com/watch?v=8OBfC3Zig3s>

<https://www.youtube.com/watch?v=5y8jxkU9qFs>

<http://www.foxnews.com/story/2009/02/22/missing-florida-girl-family-pedophile-cousin-took-haleigh-cummings.html>.

Holmseth authored a book on the subject of HaLeigh Cummings' disappearance, entitled "*In Re: HaLeigh Cummings – The Shocking Truth Revealed*".

[<https://www.amazon.com/Re-Cummings-Timothy-Charles-Holmseth/dp/0615429491>].

Holmseth's investigation and reporting on the HaLeigh Cummings story, pedophilia, child sex trafficking, child pornography and many other matters of great public concern appear on Holmseth's websites, <http://www.writeintoaction.com/> and <https://haleighcummingsdotme.wordpress.com/>, and on his YouTube channel, https://www.youtube.com/user/floodofnoah/videos?disable_polymer=1 and on his Twitter account. [<https://twitter.com/tholmseth?lang=en>].

2. Defendant, Picazio, is an individual who is a citizen of Florida. Picazio is an attorney. She lives and works in Fort Lauderdale (Broward County), Florida. Shortly after HaLeigh was abducted, Picazio offered her services *pro bono* to Crystal Sheffield ("Sheffield"), the mother of the missing girl, HaLeigh Cummings. In March 2009, Holmseth was contacted by Picazio. Shortly thereafter, he was contacted by various employees and staff of Picazio, including William "Cobra the Bounty Hunter" Staubs, a private investigator working for Picazio. Between March 2009 and July 2009, Holmseth tirelessly investigated HaLeigh's disappearance. Holmseth:

- Conducted over one-hundred hours of interviews with witnesses, law enforcement, lawyers, social services, and others;
- Obtained highly sensitive information regarding the activities of satanic organized crime in Florida;
- Obtained the names of kidnapping operatives who claimed to be FBI and CIA agents;
- Was told intimate details about why HaLeigh Cummings was missing, who really took her, how they did it, who police had questioned, and illegal activities of the participants to escape prosecution;
- Learned that HaLeigh's kidnapping was executed by the same group that was responsible for the death of a two-year-old from Orlando, named Caylee Anthony;¹
- Captured members of an organized group discussing pornographic photos of five-year-old HaLeigh Cummings that featured close-ups of her assaulted vagina;
- Discovered that the child porn was in the secret possession of a Florida law office² and being distributed through an underground network of operatives within law enforcement that included a social worker with the Florida Department of Children and Families;
- Discovered that the Florida law office was working with persons that were impersonating federal agents and police officers.

As a result of his investigation and reporting, Holmseth became the target of an organized criminal enterprise that began to contact his family, friends, employers, police, social services, and initiated a non-stop gang-stalking and cyber-stalking campaign against Holmseth. The Defendants and their many anonymous agents threatened to murder

¹ In the summer of 2008, Orlando, Florida, toddler Caylee Anthony disappeared, only to be discovered six months later a short distance from her home, her skeletal remains stuffed in plastic bags and her mouth sealed with duct tape. Her mother, Casey Anthony, was charged with the horrific crime after not reporting her daughter missing for a month, and allegedly lying to police. The unsolved murder and trial of Casey Anthony captured national attention for many years. [See, e.g., <https://www.cbsnews.com/news/caylee-anthony-the-untold-story/>].

² The Florida law office in question was the Law Office of Kim Picazio.

Holmseth, rape and mutilate him. Holmseth was extorted and blackmailed. Every employer was told to fire Holmseth. Defendants demanded that Holmseth remove his publications from the Internet and to stop searching for HaLeigh Cummings. As the 2016 Presidential election drew near, Holmseth was threatened on a regular basis about his work on the HaLeigh Cummings, Caylee Anthony, JonBenet Ramsey, Jacob Wetterling, and Dylan Redwine cases. Holmseth received calls from shadow operatives believed to be in Virginia who used voice changing software and fake caller identification to make it appear that the calls came from Clinton Global, The Trump Organization, CNN, Republican National Committee, and other high-profile numbers. The threatening calls continued after the election. One call, purportedly coming from the Doral Gold Resort, stated as follows:

**TRANSCRIPTION OF 04.21.17 ANSWERING MACHINE MESSAGE FROM
DORAL GOLF RESORT (PRESIDENT DONALD TRUMP'S FLORIDA
RESORT) - 305.592.2000 to TIMOTHY CHARLES HOLMSETH**

ANSWERING MACHINE: You have one new message. Friday - 2:46 A.M.

MESSAGE: PERSON TALKING INTO VOICE CHANGER: "Hello disgusting pedophile. This is the Deep State. This is Anonymous. Delete your website by Monday midnight or your daughter will be exposed as a child abuser and pedophile. If you don't comply you'll be exposed and you'll be forced into an institution to live a life of hell. We want justice for Jeremiah Regan."

ANSWERING MACHINE: End of messages.

Holmseth was warned to remove his publications from the Internet or suffer consequences. Holmseth's supporters in Virginia, including Susan Earman from Colonial Beach, Virginia ("Earman"), were targeted and viciously attacked. In one video orchestrated by the Defendants, they masqueraded as "Anonymous" and made the following statements:

“We are Anonymous. We would like to inform you of society’s scourge: the pedophile supporter, Susan Putman Earman of Colonial Beach, Virginia. Susan Earman, aka Astro X on Twitter has harassed Anons and has attempted to use them as her own personal army. This is not tolerated. Susan Earman is defending a man named Timothy Holmseth that frequently blogs his disgusting child rape fantasies about missing child, HaLeigh Cummings. Astro X you are being out on notice that as a pedophile supporter you are now on our radar, and we will take every means necessary to remove your filth and those like you from the Internet. This means doxxing³ every member of your family and posting your pedophile supporting behavior on the Web for the World to see. You have angered the hive Susan. We are anonymous. We are legion. We do not forgive.”

[https://haleighcummingsdotme.wordpress.com/2015/07/07/satanic-cult-releases-video-about-haleigh-cummings/]. Defendants’ operatives were physically present in Virginia and even went by what they believed to be Ms. Earman’s place of business in Colonial Beach. Holmseth was similarly attacked and defamed by “Anonymous” in a video that used essentially that same false and defamatory statements, epithets and threats. [https://www.youtube.com/watch?v=lfHnwMd_RN4&feature=youtu.be&a].

3. Defendant, Murtaugh, upon information and belief, is an individual who lives in Florida. At all time relevant to this action, Murtaugh and Picazio were working in concert to defame Holmseth. Murtaugh operates the website, http://williamkmurtaugh.com/, and Twitter account, @MURTWITNESSONE. [https://twitter.com/murtwitnessone?lang=en]. On an almost daily basis between July 2017 and December 2017, Murtaugh and Picazio trolled Holmseth on the Internet. They engaged in wholesale character assassination. They published numerous false and defamatory statements about Holmseth, accusing him of lying, fraud, dishonesty and

³ “Dox” means to publicly identify or publish private information about (someone) especially as a form of punishment or revenge. [http://www.chicagotribune.com/news/opinion/commentary/ct-perspec-doxxing-web-site-internet-facebook-private-information-emails-comments-private-data-0521-story.html; https://www.merriam-webster.com/dictionary/dox].

other crimes and bad acts that imputed to Holmseth an unfitness to perform the duties of a journalist and investigative reporter and that highly prejudiced Holmseth. *See, e.g.:*

<https://murtwitnessonlive.com/2017/07/tim-holmseth-accused-of-lying-in-order-to-vacate-claim/>;

<https://murtwitnessonlive.com/2017/07/is-it-time-to-look-at-tim-holmseth-as-a-suspect-in-the-disappearance-of-haleigh-cummings/>;

<https://murtwitnessonlive.com/2017/08/tim-holmseth-v-the-internet-timmy-throws-a-temper-tantrum-after-being-served-with-a-notice-of-removal/>;

<https://murtwitnessonlive.com/2017/08/timothy-holmseth-v-the-internet-tim-exploiting-his-children-in-the-spread-of-false-propaganda/>;

<https://murtwitnessonlive.com/2017/08/timothy-holmseth-v-the-internet-the-spin/>;

<https://murtwitnessonlive.com/2017/09/timothy-c-holmseth-claims-anonymous-is-after-him-or-are-they/>;

<http://murtwitnessonlive.com/2017/09/timothy-c-holmseth-has-once-again-accused-me-of-being-an-accessory-in-either-the-murder-or-kidnapping-of-a-child/>;

<http://murtwitnessonlive.com/2017/09/timothy-c-holmseth-cyber-terrorist/>;

<http://murtwitnessonlive.com/2017/09/timothy-charles-holmseth-broke-and-losing/>;

<http://murtwitnessonlive.com/2017/09/timothy-holmeth-ignores-a-possible-lead-in-a-missing-child-case/>;

<http://murtwitnessonline.com/2017/10/i-am-not-her-i-am-a-different-her/>;

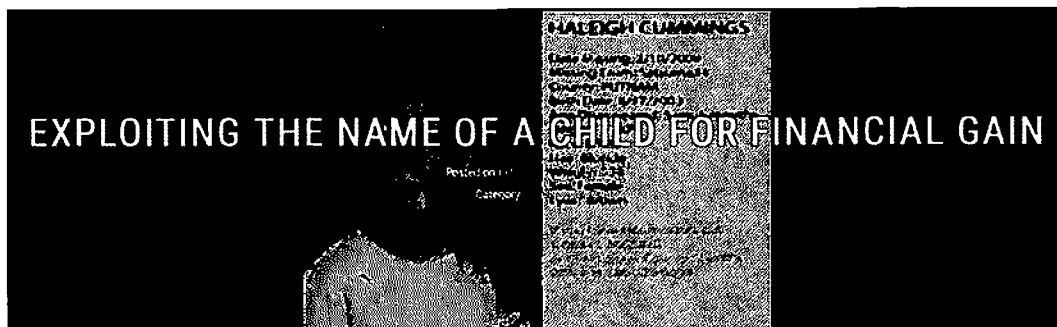
<http://murtwitnessonline.com/2017/11/in-defiance-of-a-court-order-tim-holmseths-banned-book-listed-on-amazon/>;

<http://murtwitnessonline.com/2017/11/parsing-the-contents-of-a-banned-book-why-did-the-author-give-up-the-fight/>;

<http://murtwitnessonline.com/2017/12/the-holmseth-files-much-ado-about-nothing/>.

In 2018, Murtaugh and Picazio used the website www.williamkmurtaugh.com to make, publish and republish false and defamatory about Holmseth, including:

a. On February 9, 2018, Murtaugh and Picazio accused Holmseth of exploiting HaLeigh Cummings' name for financial gain:



They falsely stated that Holmseth was “using the name of the child simply to garner donations ... What the blogger is doing is not that uncommon. There are many out there who will abuse a crime victim in this way or attach themselves to a cause simply as a vehicle to garner an income ... Greed sometimes overtakes decency and morality and what the blogger [Holmseth] is doing is no exception.”
[\[http://williamkmurtaugh.com/2018/02/09/exploiting-the-name-of-a-child-for-financial-gain/\]](http://williamkmurtaugh.com/2018/02/09/exploiting-the-name-of-a-child-for-financial-gain/).

b. On February 21, 2018, Murtaugh and Picazio accused Holmseth of
“internet terrorism”:



They falsely stated that:

The internet has gone from being a place to meet new people and a place to exchange ideas and points of view to being a weapon of terrorism. It is people like Timothy Charles Holmseth that inspire that terrorism by filling gullible minds with false narratives and inciting anger by stroking the fires of upset by exploiting subject matter certain to fill impressionable minds with an incessant rage and a need for vigilantism.

Because of various internet smear campaigns that have taken place for over a decade, the lives of a number of individuals, mine included, have been destroyed by individuals and groups that do not care what the consequences are of their actions.

Timothy Charles Holmseth and those like him flood the internet with unprovable propaganda knowing that they will find an audience biased in one way or another to believe what they put forth. They care not for the truth for all they care about is that their beliefs, fears and points of view are being agreed with by someone they know little or nothing about.

<http://williamkmurtaugh.com/2018/02/21/internet-terrorism-a-timothy-charles-holmseth-legacy-a-twitter-visit-from-jim-paul/>.

c. On April 4, 2018, Murtaugh and Picazio associated Holmseth with
the women who shot up YouTube headquarters:



They falsely stated:

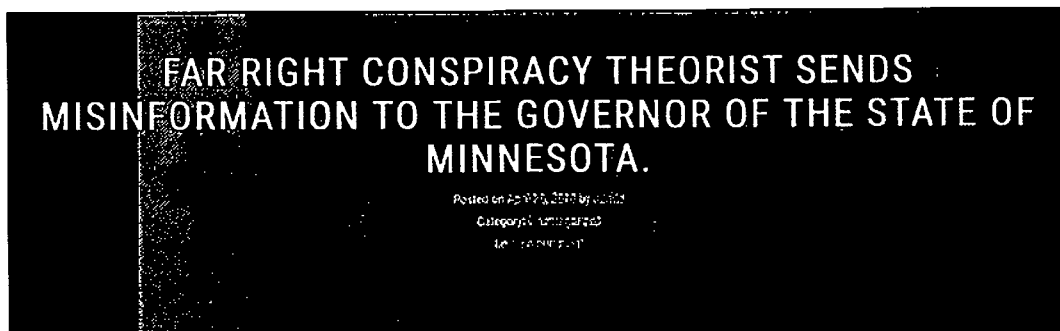
Over the past several years, various law enforcement agencies including the FBI have been notified of the actions of the Minnesota conspiracy theorist and have been warned over and over again that because of his erratic behavior he may be a danger to society.

What happened at Youtube, however, should put law enforcement at all levels on notice that these frustrated individuals may not be harmless after all and that more attention needs to be paid to these individuals.

Otherwise these individuals may not prove to be harmless after all and those who could have prevented any resulting actions will have to account for their "missing the signals" that could have prevented an ever too common disaster.

[<http://williamkmurtaugh.com/2018/04/04/dangerous-parallels-of-disgruntled-on-line-social-media-personalities/>].

d. On April 26, 2018, Murtaugh and Picazio accused Holmseth of lying to the Governor of Minnesota and feeding him "false and misleading material" and "misinformation":



They falsely stated that Holmseth "committed an act known in journalism as 'a lie of omission [sic].' ... His motive once again seems to elevate himself to some level of importance and prominence among [sic] the 'pedogate' crowd and/or the 'pizzagate' hoaxsters. He and his peers do not do the due diligence of ethical journalists when it comes to fact checking their information or doing the necessary research to verify the information they are presenting to the public ... It is a growing problem where these

gullible and weak-minded minions are exploited by the conspiracy theorists who have found an easy way to garner revenue and prominence through these extreme deceptions.” In addition to the words and statements described above in subparagraphs (a)-(d), Murtaugh and Picazio also falsely accused Holmseth of manufacturing “fake” or “hoax” recordings:

The next question to be answered is, is the recording genuine or is it yet another Holmseth hoax. Holmseth has been accused in the past of making a series of hoax recordings alleged to have been made to him by unknown others threatening him and his family.

As of this writing, a majority of the recordings have not been proven to be genuine and evidence exists that the calls were, in fact, fake recordings made by Holmseth himself.

[<http://williamkmurtaugh.com/2018/01/08/conspiracy-theorist-posts-and-then-deletes-alleged-child-sacrifice-video-from-youtube-and-blog-accounts/>]. Murtaugh and Picazio also published false statements that Holmseth was being investigated by the FBI and that “federal charges” were “likely” to be “levied against Mr. Holmseth”:




There are also two investigations underway by the FBI that are likely to lead to federal charges to be levied against Mr. Holmseth.

[<http://williamkmurtaugh.com/2018/03/13/terrible-times-for-timothy-holmsth-legal-problems-continue-to-mount-as-new-charges-filed-and-more-arraignments-are-scheduled/>].

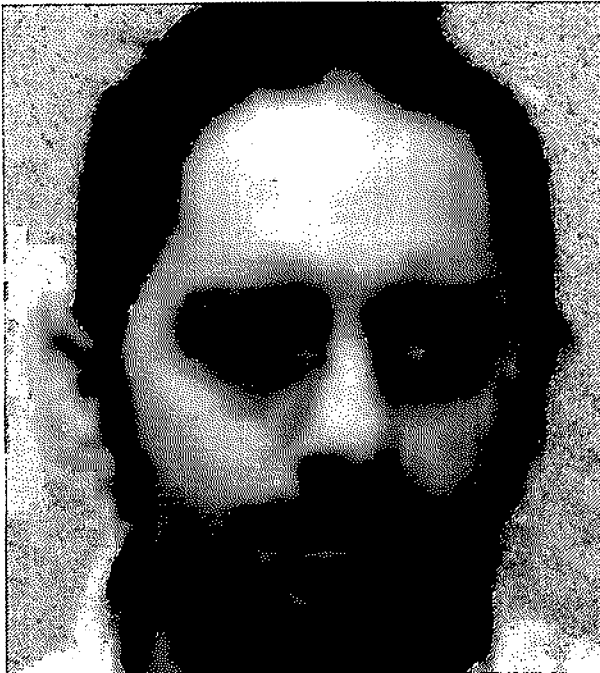
4. Defendant, Gaur, is a citizen of Virginia who lives within the Eastern District (in Virginia Beach, Virginia). At all times relevant to this action, Gaur acted in concert and combination with Murtaugh and Picazio to further the common scheme, plan and goal to defame Holmseth. In January 2018, Picazio, Murtaugh and Gaur unlawfully used the online free petition service iPetitions, www.ipetitions.com, to sponsor a fake and

fraudulent “Petition” to have Holmseth “involuntarily” committed to a “mental institution”. The Defendants’ “petition” violated iPetitions Terms of Service, which prohibit any use of the website for an “unlawful” purpose. Defamation is unlawful. There is no basis under any law for Holmseth’s involuntary commitment to a mental institution. Defendants’ “petition” was yet another instance of gang-stalking. The “petition” begins with the following false and defamatory words:

East Grand Forks, Minnesota: Please involuntarily commit Timothy Holmseth to a mental institution!



18 Comments



We are making this petition to get the government of East Grand Forks, MN to involuntarily commit deranged lunatic Timothy Charles Holmseth into a psychiatric institution. Why? Because Timothy Holmseth has been running rampant on the internet for years, using the internet as a weapon to stalk, harass, slander and defame too many individuals to count.

Stalker Timothy Holmseth was taken to court for harassing a well respected lawyer in South Florida, just because she was involved in a high-profile case he is obsessed with in a delusional and psychotic way. That well respected lawyer was granted an injunction, which Holmseth violated.

In truth, the “petition” is not real. Rather, the Defendants used it as yet another platform to defame Holmseth. The “petition” concludes with the following odious comments:

As you are aware this broke, uneducated, mentally unstable welfare Queen weirdo has also applied for disability and is constantly seeking out the government to give him monthly checks so he can stalk, harass, and defame people. He also wants to be given a monthly government check so he can continue to blog and obsess over murdered children, instead of getting a job. Please East Grand Forks, MN. The only "assistance" Timothy Holmseth needs is psychiatric assistance!

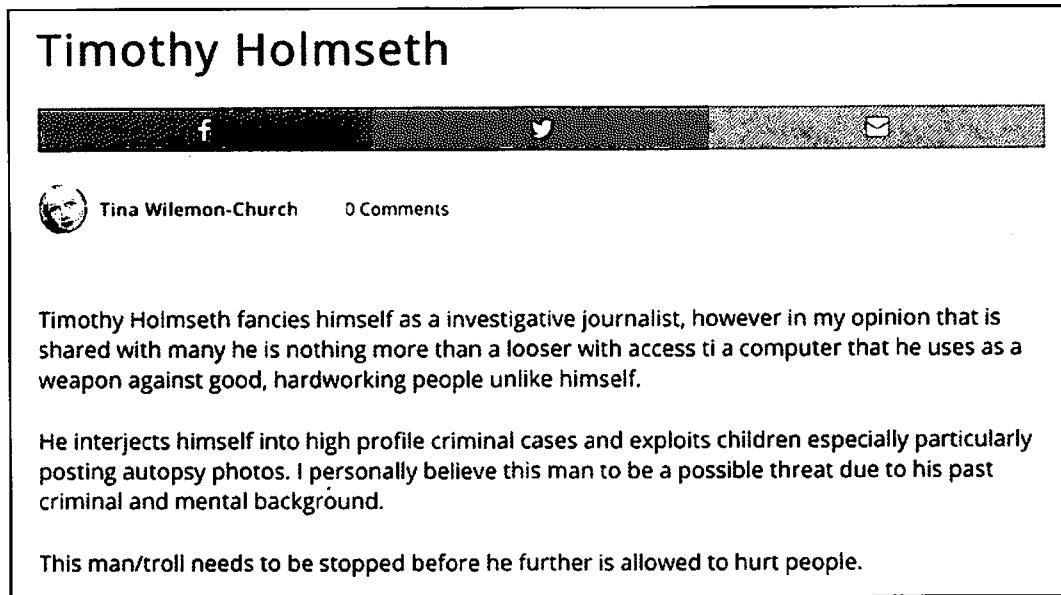
It is time that we DEMAND the government of East Grand Forks, MN to involuntarily commit Timothy Charles Holmseth into a psychiatric facility and ban him from her using the internet again. Everyone is sick of his stalking and perverted actions.

The "petition" is signed:

SIGNATURES

Dawn Arguello-Chavez United States	Karen Gaur United States	Kimberly MARON United States	Rose Adkins United States	Marge United States	Kerry hayward United States
Kathleen United States	William K Murtaugh United States	Tina Wilemon-Church United States	kelly everett United States		

5. Defendants, John Does 1-5, are co-conspirators of Picazio, Murtaugh and Guar, who have participated in the joint scheme to defame Holmseth. One or more of the John Doe Defendants, upon information and belief, lives or works in Virginia. None of the John Doe Defendants are known or believed to be citizens of Minnesota. At this time, and subject to discovery, John Does are believed to include Levi Page ("Page") [https://twitter.com/Levi_Page?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor], and Tina Wilemon-Church ("Church"). Church is or was the president of Specialized Investigative Consultants, Inc., an entity implicated by Holmseth in his investigation of the disappearance of HaLeigh Cummings. Not content with just one (1) phony "petition", Picazio, Murtaugh, Gaur, and Church published a second "petition" relating to Holmseth that contained additional false and defamatory statements:



Church has been gaslighting and harassing Holmseth for years, filing false police reports that Holmseth has HaLeigh Cummings in his apartment, calling Holmseth delusional, etc. [See, e.g., <https://www.youtube.com/watch?v=C2SmSsPhk14>].

6. The means and methods employed by the Defendants, including the creation of multiple fake Twitter accounts, the use of a "Radionewz Blog" (http://radionewz1.rssing.com/chan-7616249/all_p136.html), and the operation of multiple wordpress.com websites (including <https://exposingholmseth.wordpress.com/>) to troll and defame Holmseth, the words they used, and the timing of the various publications shows concerted action in Virginia and elsewhere to defame Holmseth.

III. JURISDICTION AND VENUE

7. The United States District Court for the Eastern District of Virginia has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. The parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs and fees.

8. Defendants are subject to personal jurisdiction in Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4) and § 8.01-328.1(B) of the Code, as well as the Due Process Clause of the United States Constitution. One or more of Picazio and Murtaugh's co-conspirators, including Gaur and those persons who targeted Earman, lives in Virginia within the Eastern District and has been physically present in Virginia acting in furtherance of the conspiracy to defame Holmseth. Picazio and Murtaugh have engaged in a persistent and ongoing course of defamation that has injured Holmseth in Virginia. Picazio and Murtaugh have minimum contacts with Virginia such that the exercise of personal jurisdiction over them comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution. The blogs, articles, tweets, retweets, "petitions" and other publications by Defendants were (and are) made, in part, from Virginia and were purposefully directed at Virginia. Defendants' contacts with Virginia were (and are) continuous and systematic. Holmseth's claims directly arise from and relate to the Defendants' publication of false and defamatory statements in Virginia. *Calder v. Jones*, 465 U.S. 783 (1984); *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1984).

9. Venue is proper in the Richmond Division of the United States District Court for the Eastern District of Virginia because the Defendants' agents were/are physically present in Virginia and published and republished defamatory statements to a wide audience that includes persons who reside within the Richmond Division. A substantial part of the events giving rise to the claims stated in this action occurred in the Eastern District of Virginia.

IV. STATEMENT OF ADDITIONAL FACTS

A. Motive For The Defamation

10. HaLeigh Cummings vanished on February 10, 2009. She has never been found.

11. In or about April 2009, when he was first contacted by Cobra Staubs – Picazio’s private investigator – Holmseth operated a website. Holmseth was known for his investigative journalism. Cobra told Holmseth that Picazio needed some independent news coverage about a missing child that had been kidnapped named HaLeigh Cummings. Holmseth was soon contacted by both Picazio and by many members of her office staff and associates. In May of 2009, Picazio told Holmseth that she was a member of the “HaLeigh Task Force” and was working alongside detectives. Holmseth later discovered that Picazio was lying. Picazio repeatedly telephoned and emailed Holmseth, offering inside information that she wanted published. Holmseth recorded all the calls with Picazio and her employees and agents, including Cobra Staubs.

12. As he interviewed witness after witness and dug into the disappearance of HaLeigh Cummings, Holmseth discovered that the group he was talking with knew the whereabouts about of the missing child and were hiding her. Holmseth learned from Picazio’s legal assistant, Donald Knop (“Knop”), that Picazio was in possession of child rape pornography that had been created of HaLeigh and that Picazio had never turned the photographs over to law enforcement. Knop told Holmseth that Picazio handed him the pornographic pictures of HaLeigh, and told him to put the pictures on a CD. Holmseth learned that Knop gave a copy of the CD to Florida Department of Children and Families

social worker, Bonnie Warner ("Warner"), who was involved in the HaLeigh Cumming case. In one recorded conversation, Knop confirmed that:

"HOLMSETH: Did a copy [of the CD] get to Bonnie Warner?

KNOP: I delivered it to Bonnie in a parking lot of a gas station.

HOLMSETH: I remember you saying that. And the photos actually show HaLeigh's vagina?

KNOP: Yeah. It showed her in her various, eh, various poses of, of eh, undress."

During a taped call with Cobra Staubs, Warner admitted that she received the CD in the gas-station parking lot several months after HaLeigh Cummings was reported missing. Warner also told Staubs that she had not shown the pictures to her supervisor. Another witness interviewed by Holmseth was Rae Elizabeth Klein a/k/a Wayanne Kruger ("Kruger"), an associate of Picazio and a client of high-profile attorney, Gloria Allred.⁴ Kruger told Holmseth that Picazio and her husband, Michael Picazio (a convicted felon) took babies from new and/or poor mothers and sold them on the international black market. An excerpt from one of Holmseth's recorded interviews with Kruger reveals the following stunning detail:

"KRUGER: They were funding fake adoptions.

HOLMSETH: Kim Picazio was?

⁴ Kruger is a protégé of Allred. Kruger is a nationally renowned victim's advocate and the author of *Inborn Justice*. [<https://www.facebook.com/Wayannemae>; <https://plus.google.com/100426927765972481131>]. Her work has been featured in *People Magazine*, the *L.A. Times*, the *Washington Post*, etc. Kruger is a professional colleague of Picazio and worked with Picazio during the HaLeigh Cummings case. Kruger provided Holmseth with telephone and email records between herself and Picazio.

KRUGER: Yeah. I mean she's actually – she's not a divorce lawyer – she's a, she's a baby seller – she's a broker – she's selling babies and kids to couples and she doesn't care who they are – just give me your money."

Kruger explained to Holmseth that Picazio associate (a pastor) John Regan ("Regan") told her that he was a CIA/FBI agent who once reported directly to Washington and a child prostitution ring in Putnam County, Florida. Holmseth was told that Regan worked with Picazio and her husband to sell babies and children, which they moved through the U.S. Embassy using fake medical records and church dossiers. In 2011, Cobra Staubs gave Holmseth a sworn Affidavit that confirmed the following facts:

Mr. Harris told me Mr. Holmseth is a pedophile. He also told me that he was mentally unstable and dangerous and then ridiculed me and mocked me for talking to Mr. Holmseth. He referenced my record of making arrests as a bondsman, noting I had arrested several hundred child molesters. He asked me why I would dedicate myself to taking pedophiles off the street and would then "help" one. He wanted me to assist in "exposing" Mr. Holmseth and further stated that he was a threat to his own child.

16.
Within a few days after Mr. Harris's brutal attack on my character, Kim Picazio, and her husband, Michael Picazio, told me Mr. Holmseth (Tim Foil Tim) as they referred to him, was a child molester, mentally unstable and dangerous.

19.
I later learned, rather found that Mr. Holmseth is not a pedophile and is not dangerous but rather had become a victim of an all out attack on his character.

20.
I further believe, Art Harris and Kim Picazio are deeply involved with each other and attempting to keep something nefarious hidden, due to the fact that I personally commissioned Art Harris to record hours of video footage during my search for the missing child to which I paid him almost \$5,000. The footage contained interviews and other information that could be useful to investigators in the case. Art Harris took the video footage from me and then claimed it was stolen from him. I believe he and Kim Picazio are hiding the footage.

I further believe that Mr. Holmseth possesses media files that expose Kim Picazio and Jeremiah Regan for crimes they committed amidst the search for HaLeigh Cummings.

22.

I also believe that Mr. Holmseth possesses media files that expose Art Harris as a paid media consultant, which conflicts with his desire to be viewed on television as a legitimate journalist and in direct conflict with his obligation to our contractual relationship.

23.

It is also my understanding that Mr. Holmseth possesses media files that capture Art Harris discussing television host Nancy Grace and the legal assistance she provided the missing child's father, Ronald Cummings.

24.

I further believe Mr. Holmseth possesses media that incriminates Kim Picazio and Art Harris.

25.

I have eye-witnessed Kim Picazio use her law license and experience in family law to un-ethically orchestrate changes of custody by and between a young mother and who I believe the father to be a convicted felon. Further I believe Kim Picazio makes a practice of using the custody status of a person's child as a tool and weapon against that person. For example, I eye-witnessed Kim Picazio trick a young indigent female girl into surrendering her custodial rights of her young daughter over to the child's father; a person twice her age. I also believe Kim Picazio did this to gain leverage over the young girl regarding testimony she desired from the young girl in the HaLeigh Cummings case. Which all most caused the young mother to commit suicide and without my immediate intervention I believe she would have.

Cobra Staubs further testified under oath that:

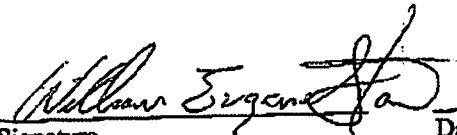
26.

In 2009 Kim Picazio asked me to help her frame a black man named Gregory Lewis Page and young white girl named Misty Jeanette Croslin as being responsible for the murder of HaLeigh Cummings. I refused. I told Mr. Holmseth, he advised me he was going to alert authorities and I told him I wanted him to do that. I told Mr. Holmseth to report to authorities I would submit to a polygraph test and sodium pentothal if necessary to prove my truthfulness. I did provide an affidavit on behalf of Kim Picazio to the Florida Bar and stated that she may have been testing my integrity in an effort to provide her the benefit of not loosing her license to practice law as she plead to me that she had little children to feed. I regret that I afforded that benefit to her as I have observed her behavior since that time to be irresponsible and self-serving.

29. Mr. Holmseth wrote a book entitled "In Re: HaLeigh Cummings (the shocking truth revealed)". I strongly disagree with some of the content of the book. However, there is other content in the book I completely endorse as the truth.

30. I believe Mr. Holmseth has been viciously slandered and defamed by Kim Picazio, Michael Picazio, Art Harris and Rhonda Callahan.

31. I believe Mr. Holmseth's life is in danger.


Signature

OCT-3-2011
Date

Sworn and subscribed before me this 30 day of Oct 2011.

The information about Picazio – provided to Holmseth by Picazio's own staff and employees – was corroborated by independent third-parties, including Karen Simmer. In sum, the evidence presented to Holmseth indicated that Picazio was involved in a large child sex trafficking operation.

13. In June 2009, Holmseth alerted the Florida Attorney General and the FBI about his findings.

14. In July 2009, Holmseth prepared a preliminary report of his investigative findings for the FBI:

Preliminary Investigative Report

July 13, 2009

In Re: HaLeigh Ann-Marie Cummings/Disappearance

Submitted to: Federal Bureau of Investigation

Submitted by: Timothy Charles Holmseth/Investigative Reporter

(the "FBI Report"). The twenty-two (22) page FBI Report summarized Holmseth's evidence and conclusions.

15. A true copy of Holmseth's FBI Report is attached as Exhibit "A".

16. In February 2010, the FBI interviewed Holmseth at the United States Courthouse in North Dakota. Minneapolis FBI Special Agent, A.J. Eilerman, found Holmseth to be credible.

17. Ever since he contacted the FBI in July 2009, Holmseth has been under siege by the Defendants, who have threatened him, threatened his family (including threats to kidnap his grand-daughter), falsely accused of him of being a pedophile and a dangerous psychopath, and filled the Internet with malicious falsehoods.

COUNT I – COMMON LAW CONSPIRACY

18. Holmseth restates paragraphs 1 through 17 of this Complaint and incorporates them herein by reference.

19. Beginning in July 2017 and continuing through the present time, Picazio, Murtaugh, Gaur and the John Doe Defendants combined, associated, agreed or acted in concert (a) together and (b) with others, including the operators of multiple YouTube channels and Twitter accounts and multiple anonymous agents who have trolled Holmseth on YouTube and Twitter, for the express purpose of injuring Holmseth in his business and reputation through the publication and republication of false and defamatory statements. In furtherance of the conspiracy and preconceived joint plan, the Defendants orchestrated a scheme the unlawful purpose of which was to defame Holmseth, destroy his reputation and will, and cover-up Picazio's criminal acts. Acting in concert, the Defendants utilized email, text messages, the Internet and various social media

properties, including YouTube and Twitter, to publish, republish and spread the defamation and character assassination.

20. Picazio, Murtaugh, Gaur and the John Doe Defendants acted intentionally, purposefully, without lawful justification, and with the express knowledge that they were injuring Holmseth.

21. Picazio, Murtaugh, Gaur and the John Doe Defendants' actions constitute a conspiracy at common law.

22. As a direct result of Picazio, Murtaugh, Gaur and the John Doe Defendants' willful misconduct, Holmseth suffered damage and loss, including, but not limited to, injury to business, property loss, injury to professional and personal reputation, prestige and standing, pain and suffering, insult, humiliation and embarrassment, attorney's fees, court costs, and other damages in an amount to be determined by the Jury, but not less than \$2,000,000.00.

COUNT II – DEFAMATION *PER SE*

23. Holmseth restates paragraphs 1 through 22 of this Complaint and incorporates them herein by reference.

24. Picazio, Murtaugh, Gaur and the John Doe Defendants published and republished to third-parties – including, without limitation, patrons of Murtaugh's websites, Twitter followers and YouTube subscribers – numerous false factual statements, which are detailed verbatim above, of or concerning Holmseth.

25. By publishing YouTube videos, tweets, retweets and blogs on the Internet and by soliciting comments from third-parties, Picazio, Murtaugh, Gaur and the John Doe Defendants knew or should have known that their defamatory statements would be

republished over and over by third-parties to Holmseth's detriment. Republication by both identified subscribers, users, patrons and tweeps, and anonymous persons was the natural and probable consequence of Picazio, Murtaugh, Gaur and the John Doe Defendants' actions and was actually and/or presumptively authorized by Picazio, Murtaugh, Gaur and the John Doe Defendants. In addition to the original publications, Picazio, Murtaugh, Gaur and the John Doe Defendants are liable for the republication of the false and defamatory statements by third-parties under the doctrine announced by the Supreme Court of Virginia in *Weaver v. Home Beneficial Co.*, 199 Va. 196, 200, 98 S.E.2d 687 (1957) ("where the words declared on are slanderous per se their repetition by others is the natural and probable result of the original slander.").

26. Picazio, Murtaugh, Gaur and the John Doe Defendants' false statements constitute defamation *per se*. The statements accuse and impute to Holmseth the commission of numerous crimes involving moral turpitude and for which Holmseth may be punished and imprisoned in a state or federal institution. The statements impute to Holmseth an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment. Picazio, Murtaugh, Gaur and the John Doe Defendants' statements also prejudice Holmseth in his profession or trade.

27. Picazio, Murtaugh, Gaur and the John Doe Defendants' false statements have permanently and irreparably harmed Holmseth and his reputation.

28. Picazio, Murtaugh, Gaur and the John Doe Defendants' acted with actual malice and reckless disregard for the truth for the following reasons:

a. Picazio, Murtaugh, Gaur and the John Doe Defendants intentionally set out to destroy Holmseth's reputation with falsehoods. The tweets, retweets, blogs and videos were published in retaliation and reprisal for Holmseth's investigation and reporting.

b. Picazio, Murtaugh, Gaur and the John Doe Defendants' harmful statements were knowingly false, with not a shred of supporting evidence.

c. Picazio, Murtaugh, Gaur and the John Doe Defendants chose to manufacture and publish false and scandalous statements and use unnecessarily strong and violent language, disproportionate to the occasion. Indeed, in the tweets and blogs and "petitions" the Defendants express their clear and convincing feelings of ill-will and animus towards Holmseth.

d. Picazio, Murtaugh, Gaur and the John Doe Defendants did not act in good faith because, in the total absence of evidence, they could not have had an honest belief in the truth of their statements about Holmseth.

e. Picazio, Murtaugh, Gaur and the John Doe Defendants reiterated, repeated and continue to republish their false defamatory statements, and enticed others to do so, out of a desire to hurt Holmseth and to permanently stigmatize and destroy him.

29. Picazio, Murtaugh, Gaur and the John Doe Defendants lacked reasonable grounds for any belief in the truth of their statements and acted negligently in failing to determine the true facts.

30. As a direct result of Picazio, Murtaugh, Gaur and the John Doe Defendants' defamation, Holmseth suffered substantial damage and loss, including, but not limited to, presumed damages and actual damages, loss or injury to business, pain and

suffering, emotional distress and trauma, insult, anguish, stress and anxiety, public ridicule, humiliation, embarrassment, indignity, injury to reputation, prestige and standing, costs, expenses and out-of-pocket loss in an amount to be determined by the Jury, but not less than \$2,000,000.00.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

31. Holmseth restates paragraphs 1 through 30 of this Complaint and incorporates them herein by reference.

32. Picazio, Murtaugh, Gaur and the John Doe Defendants' conduct, detailed above, was intentional and/or reckless.

33. Picazio, Murtaugh, Gaur and the John Doe Defendants' actions offend against generally accepted standards of decency and morality and constitute gross violations of the terms of service and community guidelines of Twitter and iPetition. Picazio, Murtaugh, Gaur and the John Doe Defendants' actions are atrocious and utterly intolerable.

34. Picazio, Murtaugh, Gaur and the John Doe Defendants' outrageous conduct caused Holmseth to suffer severe emotion distress, extreme fear and panic.

35. Picazio, Murtaugh, Gaur and the John Doe Defendants' misconduct constitutes intentional infliction of emotional distress.

36. As a direct result of Picazio, Murtaugh, Gaur and the John Doe Defendants' misconduct, Holmseth suffered damage and incurred loss, including, without limitation, pain and suffering, physical injury, severe emotional trauma, insult, embarrassment, humiliation, public ridicule, anguish, stress and anxiety, injury to

reputation, special damages, attorney's fees, costs and out-of-pocket expenses in an amount to be determined by the Jury, but not less than \$2,000,000.00.

COUNT IV – PERSONAL TRESPASS AND COMPUTER HARASSMENT

37. Holmseth restates paragraphs 1 through 36 of this Complaint and incorporates them herein by reference.

38. Picazio, Murtaugh, Gaur and the John Doe Defendants have used computers or a computer network to cause physical injury to Holmseth. Picazio, Murtaugh, Gaur and the John Doe Defendants, with the intent to coerce, intimidate, or harass Holmseth, have also used computers or a computer network to communicate vulgar, profane, and indecent language and to threaten illegal or immoral acts.

39. Picazio, Murtaugh, Gaur and the John Doe Defendants' conduct constitutes personal trespass by computer in violation of § 18.2-152.7 of the Code and computer harassment in violation of § 18.2-152.7:1 of the Code.

40. Holmseth was injured because of Picazio, Murtaugh, Gaur and the John Doe Defendants' violations of § 18.2-152.7 and § 18.2-152.7:1 of the Code.

41. As a direct result of Picazio, Murtaugh, Gaur and the John Doe Defendants' personal trespass by computer and computer harassment, Holmseth suffered damage and incurred loss, including, without limitation, pain and suffering, physical injury, severe emotional trauma, insult, embarrassment, humiliation, public ridicule, anguish, stress and anxiety, injury to reputation, special damages, attorney's fees, costs and out-of-pocket expenses in an amount to be determined by the Jury, but not less than \$2,000,000.00.

Plaintiff alleges the foregoing based upon personal knowledge, public statements of others, affidavits and recorded statements, including audio recordings and electronically stored information, in his possession. Plaintiff believes that substantial additional evidentiary support, which is in the exclusive possession of the Defendants and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Plaintiff reserves the right to amend this Complaint upon discovery of additional instances of the Defendants' defamation and wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully request the Court to enter Judgment against the Defendants, jointly and severally, as follows:

- A. Compensatory damages in an amount to be determined by the Jury, but not less than \$2,000,000.00;
- B. Punitive damages in the amount of \$350,000.00 or the maximum amount allowed by law;
- C. Prejudgment interest at the maximum rate allowed by law from;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Attorney's Fees and Costs;
- F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: May 25, 2018

TIMOTHY CHARLES HOLMSETH

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